IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2789 of 2005

Between:

Andluri Nagamuni Reddy S/o. Late A. Nagamuni Reddy
Takkolu village, Sidhout Mandal, Kadapa District.

..... PETITIONER

AND

1 The Chairman, District Level Committee (Sand Auction),
Kadapa.
2 The Joint Collector, Kadapa, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the 1st respondent in issuing the tender cum auction by its Ref.No. 131/2005/A4, dt. 3-2-2005 to the area of Takkolu village, Siddhout Mandal, Kadapa District., as illegal, arbitrary and unjust.

Counsel for the Petitioner:MR.N.PARAMESWARA REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the stage of admission made the following :

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ORDER:

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This writ petition is filed questioning the tender-cum-auction notice dated 03.02.2005 issued by the first respondent herein for granting leasehold rights for quarrying of sand in respect of the reaches in Takkolu village, Sidhout Mandal, Kadapa District.

The only contention raised by the petitioner is that since his lands are very close to the river in Takkolu village and that the location of sand quarry is just adjacent to his agricultural lands, if the sand quarrying is allowed, the flood water would enter into his lands and the soil is likely to be damaged. Hence the petitioner prays that the respondents shall be restrained from leasing out the lands in question for quarrying of sand under the impugned tender notice.

I am unable to agree with the contentions of the petitioner. It is to be noticed that under the rules made under G.O.Ms.No.1, dated 01.01.2001, under the Mines and Minerals (Development and Regulation) Act, 1957, a detailed procedure has been prescribed, with regard to leasing of the sand bearing areas by way of sealed tender cum public auction. As per the procedure prescribed under the rules, the competent authority is required to take into consideration the level of the ground water and it is also required to review the same periodically. Even under the impugned notification, there is a specific note that the District Collector would review the ground water levels periodically for every three months and the leases granted under the impugned notification will be cancelled in case it is found that by continuing the quarrying operations the ground water levels would be affected.

In the circumstances, the interference of this Court is not warranted and the

relief as prayed for cannot be granted.

Accordingly, the writ petition is disposed of making it clear that the respondents shall strictly adhere to the statutory rules while granting lease under the impugned notification as well as while allowing the successful bidders to continue the quarrying operations. No costs.

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17.02.2005

Note : Furnish C.C in one week.

(B/O)

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To

1 The Chairman, District Level Committee (Sand Auction), Kadapa.
2 The Joint Collector, Kadapa, Kadapa District.

3 Two C.Cs to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, Hyderabad (OUT).

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